

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

v.

Civil Action Number:
15-CV-701 – FPG/HBS

MEDICAL MARIJUANA, INC.,
DIXIE ELIXIRS AND EDIBLES,
RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS,

Defendants.

REQUEST FOR ENTRY OF DEFAULT

Plaintiffs, DOUGLAS J. HORN and CINDY HARP-HORN, request that the Clerk of Court enter Default against Defendant, DIXIE BOTANICALS, pursuant to Federal Rule of Civil Procedure 55(a). In support of this request Plaintiff relies upon the record in this case and the Declaration submitted herein.

Dated April 18, 2016

Forest Hills, New York

Jeffrey Benjamin
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiff(s),

v.

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RED DICE HOLDINGS, LLC, and
DIXIE BOTANICALS, ,

Defendant(s).

DECLARATION IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT

I, Jeffrey Benjamin, an attorney licensed in the State of New York, being duly sworn, state as follows:

1. I am the attorney for the plaintiff in the above-entitled action and I am familiar with the file, records and pleadings in this matter.
2. The summons and complaint were filed on August 6, 2015.
3. Defendant DIXIE BOTANICALS was served with a copy of the summons and complaint on March 1, 2016, as reflected on the docket sheet by the proof of service filed on March 8, 2016.
4. An answer to the complaint was due on March 30, 2016.
5. Defendant DIXIE BOTANICALS has failed to appear, plead or otherwise defend within the time allowed and, therefore, is now in default.
6. Plaintiff requests that the clerk of court enter default against the defendant DIXIE BOTANICALS.

Dated April 18, 2016

Forest Hills, New York

Jeffrey Benjamin
Attorney for Plaintiff

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Defendants.

ENTRY OF DEFAULT

It appearing that Defendant

DIXIE BOTANICALS,

is in Default for failure to appear or otherwise defend as required by law, Default is hereby entered as against said defendant on this day of April 19, 2016.

Mary C. Loewenguth
Clerk of Court
United States District Court

By:

Deputy Clerk

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CERTIFICATE OF SERVICE

I, Jeffrey Benjamin, Esq., hereby certify that I am employed by Jeffrey Benjamin, P.C. and am of such age and discretion as to be competent to serve papers.

I further certify that on this date I caused a copy of the Request for Entry of Default, Declaration in Support of Request for Entry of Default and proposed Entry of Default to be placed in a postage-paid envelope addressed to the defendant DIXIE BOTANICALS, at the address stated below, which is the last known address of said defendant, and deposited said envelope in the United States mail.

Addressee: DIXIE BOTANICALS
12255 Crosthwaite Cir. Suite A
Poway, CA 92064.

Dated April 18, 2016

Forest Hills, New York

Jeffrey Benjamin
Attorney for Plaintiffs